



SURFACE TRANSPORTATION BOARD

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STB RULES ON AMTRAK MOTION TO COMPEL AND OTHER MATTERS IN GULF COAST CASE

The Surface Transportation Board today announced a decision that denies a motion to compel filed by the National Railroad Passenger Corporation (Amtrak), related to its application to restore passenger rail service along the Gulf Coast, and that rules on other pending matters in the proceeding.

Today's decision pertains to the pending case considering Amtrak's March 16, 2021, application to the Board, seeking an order requiring CSX Transportation, Inc. (CSX) and Norfolk Southern Railroad (NS) to allow Amtrak to operate intercity passenger trains over the rail lines of CSX and NS between New Orleans, La., and Mobile, Ala. A multi-day hearing on the matter commenced in April and May 2022.

On May 19, 2022, Amtrak filed a motion to compel responses to certain additional interrogatories. Through subsequent conferences between the parties, the discovery disputes were significantly narrowed and Amtrak received much of the additional information it sought, as noted in status reports filed with the Board. In today's decision, the Board denied Amtrak's motion to compel as to the remaining unresolved issues. In addition, on the basis of the work product doctrine, the Board denied Amtrak's request to compel production of additional RTC analyses performed by an expert for CSX and NS but not relied on by CSX and NS.

As to other pending matters, the Board denied a request from CSX, NS, and the Alabama State Port Authority (Port) for a technical conference. The Board also denied as moot requests from CSX, NSR, and the Port for certain extensions of time. Further, the Board noted that any future requests for extension of time, by any party based on the claimed unavailability of key personnel must be supported by verified statements specifying the reasons for the unavailability. The current filing deadline for supplemental evidence remains July 27, 2022.

Today's decision in Application of the National Railroad Passenger Corporation Under 49 U.S.C. § 24308(e)—CSX Transportation, Inc., and Norfolk Southern Railway Company, Docket No. FD 36496, may be viewed and downloaded [here](#).

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